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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA)	No. CR 14-70135 MAG
)	
v.)	STIPULATION AND PROPOSED ORDER
)	CONTINUING DATE AND DOCUMENTING
GILBERT COLON,)	EXCLUSION OF TIME UNDER THE SPEEDY
)	TRIAL ACT AND RULE 5.1
Defendant.)	
)	
)	
)	

The parties, Assistant United States Attorney Arianna Berg on behalf of the United States and Joyce Leavitt, Assistant Federal Public Defender, on behalf of the defendant, GILBERT COLON, hereby request that the date for preliminary hearing and the next status date before this Court, presently set for May 5, 2014, be continued until June 10, 2014 so that the defense may continue to review discovery and so that the parties can discuss potential resolution of the case. The parties further requested that, given the need to gather and examine discovery, time continue to be excluded under Rule 5.1 and the Speedy Trial Act until June 10, 2014. Additional time is necessary to review the evidence and investigate the case, and that it is in the best interests of the defendant to do so before formal charges are filed. The government agrees. Accordingly, pursuant to Federal Rule of Criminal Procedure 5.1, the Court would now be required to conduct a preliminary hearing on or before June 10, STIPULATION AND [PROPOSED] ORDER DOCUMENTING EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT AND RULE 5.1
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2014, unless, inter alia, the defendant, who is in custody, waives the preliminary hearing or is indicted. In addition, the parties would now be required to next appear in front of this Court on June 10, 2014, rather than May 5, 2014.

The parties agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: April 29, 2014

/s/

ARIANNA BERG
Assistant United States Attorney

STEVEN G. KALAR
Federal Public Defender

DATED: April 30, 2014

/s/

JOYCE LEAVITT
Counsel for Defendant

~~PROPOSED~~ ORDER

For the foregoing reasons, the Court HEREBY ORDERS that the date for preliminary hearing and the next Court date in this matter is re-set to June 10, 2014, unless, inter alia, the defendant, who is in custody, waives the preliminary hearing or is indicted. The Court finds that good cause is shown for extending the time limits set forth in Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the extension is proper under Rule 5.1(d) and Title 18, United States Code, Sections 3060 and 3161.

The Court finds that the failure to grant the requested extension would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the requested extension outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court also concludes that an exclusion of time through and including June 10, 2014, should be made under Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by an exclusion of time through and including June 10, 2014 outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

IT IS SO ORDERED.

DATED: 5/5/14


DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE